

# Exhibit 2

Deposition Transcript of Nicholas Quattrociocchi

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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NICHOLAS BERGERON and NICK  
QUATTROCIOCCHI, on behalf of themselves  
and on behalf of all others similarly  
situated,

Plaintiffs,

-against- Case No.  
6:20-cv-06283

ROCHESTER INSTITUTE OF TECHNOLOGY,  
Defendants.

-----X

November 5, 2021  
10:00 a.m.

VIDEOTAPED DEPOSITION of  
NICHOLAS QUATTROCIOCCHI, the Plaintiff in  
the above-entitled action, pursuant to  
Order, held at the above time and place  
before Binita Shrestha, a Stenographic  
Court Reporter and Notary Public within  
and for the State of New York.

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1 N. QUATTROCIOCCHI  
 2 MR. ALESANDRO: Objection.  
 3 You can answer.  
 4 A. Yes.  
 5 Q. And why do you believe RIT was  
 6 obligated to provide you with in-campus  
 7 instruction for the second half of spring  
 8 2020?  
 9 A. I signed up for online --  
 10 in-person classes, and that was changed  
 11 as a result of the pandemic, so.  
 12 Yeah, I signed up for in-person  
 13 classes. That's my response.  
 14 Q. So you believe RIT had an  
 15 obligation to provide you with in-person  
 16 classes for the second half of spring  
 17 2020, correct?  
 18 A. Yes.  
 19 Q. And the basis for that  
 20 obligation, the reason why you believe  
 21 that obligation existed was because you  
 22 signed up for in-person classes; is that  
 23 correct?  
 24 A. Yes.  
 25 Q. Is there any other reason why

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1 N. QUATTROCIOCCHI  
 2 A. Yes.  
 3 Q. Now, I would ask you to flip to  
 4 page 12 of the document and specifically  
 5 to paragraph 61 of your second amended --  
 6 your second consolidated amended class  
 7 action complaint.  
 8 A. Okay.  
 9 Q. Are you there?  
 10 A. Yes.  
 11 Q. So I'll just read paragraph 61.  
 12 It says, quote:  
 13 "These rights and privileges of  
 14 student status that comprise the  
 15 contractual terms are set forth by  
 16 Defendant through its website, academic  
 17 catalogs, student handbooks,  
 18 correspondence, marketing materials and  
 19 other circulars, bulletins, and  
 20 publications."  
 21 Did I read that accurately?  
 22 A. Yes.  
 23 Q. So let's work our way through  
 24 this list starting in paragraph 61  
 25 starting with the first, website.

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1 N. QUATTROCIOCCHI  
 2 you believe that obligation existed?  
 3 A. No, not that I recall.  
 4 Q. So, sir, if I could ask you to  
 5 open up Deposition Exhibit NQ-10?  
 6 A. Okay.  
 7 Q. Do you recognize this document?  
 8 A. Yes.  
 9 Q. What is this?  
 10 A. This is the class action  
 11 complaint that we filed.  
 12 Q. So this is the second amended  
 13 class action complaint, correct?  
 14 A. Yes.  
 15 Q. You're one of the two plaintiffs  
 16 in this case, correct?  
 17 A. Yes.  
 18 Q. And this was a complaint that  
 19 you filed on January 14th, 2021, correct?  
 20 A. Yes.  
 21 Q. You've seen this document before  
 22 today, correct?  
 23 A. Yes.  
 24 Q. Did you review it before it was  
 25 filed?

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1 N. QUATTROCIOCCHI  
 2 What -- are you referring --  
 3 preliminary question: Are you referring  
 4 here to the RIT website?  
 5 A. Yes.  
 6 Q. And these are websites under the  
 7 rit.edu domain?  
 8 A. Yes.  
 9 Q. Are you referring to any other  
 10 website when you talk about website in  
 11 paragraph 61 of your complaint?  
 12 A. No.  
 13 Q. So what part or parts of the RIT  
 14 website do you claim contain promises of  
 15 in-person education by RIT?  
 16 A. Well, the -- I know from the  
 17 mechanical engineering website, there's  
 18 several classes that require in-person  
 19 activities.  
 20 There is not really a way to get  
 21 around not having -- so there is not any  
 22 way of getting around having in-person  
 23 activities. I phrased that badly.  
 24 So for some of the classes, they  
 25 have to be conducted in-person. There is

1 N. QUATTROCIOCCHI  
2 no way to not have it conducted in  
3 person. So I would vote -- so I would  
4 say even from the mechanical engineering  
5 department, the whole degree is based off  
6 of how things mechanically exist. Like,  
7 you have to be in person for several of  
8 those courses.

9 I would vote that because those  
10 courses exist and the contents that need  
11 to get covered by those courses,  
12 in-person classes have to be required.

13 Q. So is it an accurate paraphrase  
14 of your answer just then, when I asked  
15 you what parts of the RIT website that  
16 you believe contain a promise of  
17 in-person education, you referenced parts  
18 of the mechanical engineering website?

19 A. Yes.

20 Q. And specifically, you referenced  
21 classes that you believe, because of  
22 their existence, needed to be in person?

23 A. Yes.

24 Q. Okay. What else on the RIT  
25 website, do you believe imposes an

1 N. QUATTROCIOCCHI  
2 properties.

3 I don't know anyone that owns  
4 something that can rip apart steel.

5 I know that there is -- for the  
6 electrical engineering department, some  
7 of the things to test and set up  
8 circuits, those require in-person labs.

9 A lot of the microfluidics  
10 things, little deeper inside the  
11 mechanical department, those things don't  
12 exist outside of research facilities.

13 The microelectronics department  
14 itself, you have to have a cleanroom.  
15 You have to have access to a bunch of the  
16 chemicals. Like, it's completely  
17 infeasible to expect to be able to do  
18 anything in those classes amongst --  
19 anything in the bio section actually too  
20 -- to be able to do those outside of  
21 campus.

22 So I would add those, not just  
23 the mechanical engineering department.

24 Q. So it sounds like what you're  
25 saying is that there are certain aspects

1 N. QUATTROCIOCCHI  
2 obligation of in-person education by RIT?

3 A. The -- there is not also a  
4 specific declination between RIT online  
5 and the other courses that you can take.  
6 They are two separate degree avenues.

7 Q. Anything else on the website?

8 A. Off the top of my head, I cannot  
9 think of any more.

10 Q. Okay. So you gave me two  
11 examples: Mechanical engineering  
12 website. And just so I understand what  
13 the second example was, is it the mere  
14 fact that RIT online exists as a separate  
15 program that you believe imposes an  
16 obligation for in-person education for  
17 the non-RIT online program?

18 A. Yes, the non-RIT online.

19 So the -- from personal  
20 experience, I know mechanical engineering  
21 department specifically has several  
22 courses that require in -- there is,  
23 like, Strength of Materials Lab, you have  
24 to rip apart small steel -- small steel  
25 pieces to test certain mechanical

1 N. QUATTROCIOCCHI  
2 of certain RIT classes that you believe  
3 inherently require an in-person  
4 component?

5 A. Yes.

6 Q. And as to those classes, are you  
7 aware of any specific express language  
8 anywhere on the RIT website that says  
9 this class will be conducted exclusively  
10 in person?

11 A. Explicitly described as that, I  
12 don't know any specific courses. I do  
13 know that classes will say you conduct  
14 experiments, which you can't conduct an  
15 experiment at your house.

16 Q. Okay. So that's helpful.

17 So your contention or your claim  
18 is that where something says an  
19 experiment, that is a -- is that a  
20 promise of in-person education?

21 A. In lots of applications, yes.  
22 Like I said, I can't rip apart steel --  
23 steel parts at my -- at my house.

24 And I can't -- I don't have a  
25 cleanroom, a molecular cleanroom or

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1 N. QUATTROCIOCCHI  
2 something to that -- nearing that caliber  
3 at my house, so yes.

4 Purely the basis of having  
5 courses and -- courses that require those  
6 make it intractable to not have it be on  
7 campus.

8 Q. Would you agree with me that  
9 certain types of experiments in certain  
10 disciplines -- and I'm not suggesting  
11 yours -- could be conducted equally well  
12 off-campus?

13 A. Provided that you can supply a  
14 lab, I guess, off-campus, having it be  
15 off-campus would be viable.

16 But there is -- you -- it's --  
17 other than that, you're just -- it's not  
18 -- you can't do it outside of campus.  
19 Like, it's just intractable. It's not --  
20 it's not possible to do those -- to do  
21 certain experiments outside of campus.

22 Like I said, if you could  
23 provide a lab environment in which you  
24 could do that, and it was checked off by  
25 RIT to be functional in that same respect

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1 N. QUATTROCIOCCHI  
2 courses incorporating any topics that  
3 I've described before have to be  
4 in-person.

5 Q. Okay. So your contention, your  
6 claim is that classes that incorporate  
7 something physical, there is -- as to  
8 those classes, there is a promise of  
9 in-person education?

10 MR. ALESANDRO: Objection.

11 You can answer.

12 A. Yes, under the basis that you  
13 can't perform tests, most of those tests,  
14 at your house.

15 Q. So the nature of this obligation  
16 that you're claiming to provide in-person  
17 education comes not from anything that  
18 RIT said but from the nature of what the  
19 class is teaching?

20 Is that an accurate statement of  
21 what you're saying?

22 MR. ALESANDRO: Objection.

23 You can answer.

24 A. Can you repeat the question  
25 again?

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1 N. QUATTROCIOCCHI  
2 as the ones on campus, then that's an  
3 option, but that was not provided.

4 Q. How about computer science? In  
5 computer science, if there is a coding  
6 lab, presumably, that could be done just  
7 as well from home as on campus, correct?

8 A. I would definitely put that as  
9 subjective because I've taken computer  
10 science labs before.

11 They -- oftentimes, you work in  
12 a group, and working in a group in person  
13 is very different than working in a group  
14 on -- through Zoom because you have --  
15 you can have whiteboards. You can talk  
16 with people. It's the -- the in-person  
17 action makes it very different.

18 It can be accomplished if you're  
19 just scoping it strictly down to computer  
20 science and programming and stuff, you  
21 know, something of that nature. But  
22 anything that requires anything physical,  
23 which is I'm pretty confident in large  
24 part of RIT's campus has the labs in a  
25 lot of -- a lot of those -- a lot of

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1 N. QUATTROCIOCCHI

2 Q. Sure. I'm asking whether this  
3 obligation that you believe exists for  
4 in-person education with respect to  
5 classes that, as you termed it, involved  
6 something physical, comes from express  
7 words stated by RIT or your assessment of  
8 the inherent nature of what's being  
9 taught in that class?

10 MR. ALESANDRO: Objection.

11 You can answer.

12 A. So I -- I would say since the  
13 class description for a lot of labs  
14 explicitly state you -- experiments will  
15 be done, you will be experimenting  
16 something to that extent for labs, that  
17 would -- that would imply that those  
18 would have to be in person, so I would  
19 vote the former, let's say the former.

20 Q. Okay. So "experiment" you say  
21 is a word that you believe imposes an  
22 obligation of in-person education?

23 MR. ALESANDRO: Objection.

24 You can answer.

25 A. "Experiment" and/or "conduct

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1 N. QUATTROCIOCCHI  
2 tests," or something to that nature, yes.

3 Q. What other words do you believe  
4 impose an obligation for in-person  
5 educational? "Experiment," "conduct  
6 tests." What else?

7 A. That's a very broad question  
8 because it depends. Explicitly, I would  
9 definitely say "experiment," "conduct  
10 tests."

11 In certain cases, I could see  
12 "evaluate" because that would incur that  
13 you had to test something.

14 I would say -- I have had some  
15 -- "determine" can be used to reflect  
16 whether or not something -- you had to  
17 test something physically.

18 There is a lot of different  
19 verbiage, but if it involves testing  
20 something in some form, that would have  
21 to require in-person classes.

22 Q. What about if it doesn't involve  
23 testing something?

24 A. Well, then I think that's  
25 outside the scope of what I'm directly

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1 N. QUATTROCIOCCHI  
2 analysis tools like a multimeter function  
3 generator, a voltage source, stuff like  
4 that, those are not equipment that would  
5 be within reason something that a  
6 mechanical engineer would own, even a  
7 mechanical engineering student to shrink  
8 it down even further because that's  
9 outside the scope of most activities a  
10 mechanical engineer would go and do.

11 Q. Okay. That's understood.

12 So you had five classes in the  
13 spring of 2020, correct?

14 A. Yes. Let me see the transcript.  
15 I know I was signed up for five.

16 Q. And you testified earlier that  
17 three of those classes were lecture  
18 classes, and two of them either were labs  
19 or had lab components, correct?

20 A. Strength of Material Lab as  
21 well. That was a big one.

22 Q. Of the classes -- of the three  
23 of those that were lecture classes, what  
24 specific language can you point to  
25 anywhere in the course materials that you

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1 N. QUATTROCIOCCHI  
2 referring to.

3 Q. Okay. So you were registered  
4 for a number of lecture classes in the  
5 spring of 2020, correct?

6 A. Yes.

7 Q. And what can you point to in the  
8 course descriptions or other material for  
9 those do you believe imposes an  
10 obligation for in-person education?

11 A. System Dynamics specifically  
12 because we -- a lot of -- a lot of  
13 information was lost in the process of  
14 that because System Dynamics requires --  
15 there is a lab component which you would  
16 test and evaluate circuits.

17 You would do some low-level  
18 systems modeling for circuits, for motor  
19 systems. It's been a while since I  
20 reviewed the materials. Don't quote me  
21 on the motor systems, but I know  
22 circuits.

23 So the -- being -- well,  
24 especially being a mechanical engineering  
25 course and requiring access to circuit

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1 N. QUATTROCIOCCHI  
2 believe imposes an obligation for  
3 in-person education?

4 MR. ALESANDRO: Objection.

5 You can answer.

6 A. Can I pull up the specific  
7 course description?

8 Q. What language do you recall in  
9 those?

10 A. Well, they said I -- so you said  
11 this is pertaining to the lecture  
12 classes, not the lab classes, correct?

13 Q. That's correct.

14 A. Okay. So off the top of my  
15 head, I don't recall the specific  
16 verbiage. I do remember that in  
17 Contemporary Issues, there were several  
18 instances where we had to go into a  
19 lecture hall and get a large lecture.

20 But aside from that, I -- if  
21 there was anything in the course  
22 description that covered that, that's the  
23 only thing I could immediately think  
24 about.

25 Q. So you don't have any